



0000154302

## BEFORE THE ARIZONA CORPORATION COMMISSION

**COMMISSIONERS**

BOB STUMP- CHAIRMAN  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

2014 JUN 24 P 3:34

ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

**DOCKETED**

JUN 24 2014

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
RANCHO SAHUARITA WATER COMPANY,  
L.L.C., FOR THE TRANSFER OF ITS  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO SAHUARITA WATER  
COMPANY, L.L.C., AND EXTENSION OF THE  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER SERVICE

Docket No. W-03718A-07-0687

**JOINT NOTICE OF FILING****ORIGINAL**

Sahuarita Water Company, L.L.C. ("Sahuarita") and Arizona Corporation Commission Utilities Division Staff ("Staff") provide their Joint Notice as ordered in the June 17, 2014 Procedural Order. Neither Sahuarita nor Staff received any correspondence from either Freeport McMoRan Copper and Gold, Inc. ("Freeport") or ASARCO, L.L.C. ("ASARCO") in response to Sahuarita's April 22, 2014 letter. That letter notified both entities of Staff's recommendation to delete their recently-acquired properties from Sahuarita's certificated area and to provide a response within 45 days if they wished their respective properties to be located within Sahuarita's certificated area.

As noted in previous filings, Freeport had purchased its parcel from Mission Peaks 4000, L.L.C., while ASARCO had purchased its parcel from the Arizona State Land Department. Both Freeport and ASARCO purchased their properties after the Commission approved an extension of Sahuarita's Certificate of Convenience and Necessity ("CC&N") to those properties in Decision No. 70620 (November 19, 2008).

At the time when the Commission issued Decision No. 70620, residential and commercial development was anticipated. By contrast, Freeport and ASARCO do not appear to have any

1 plans to develop the properties. Moreover, Sahuarita has not received any requests for service  
2 from either Freeport or ASARCO since the time its previous request for extension of time was  
3 granted in Decision No. 73175 (May 18, 2012). In fact, Sahuarita has not received much  
4 correspondence from either entity since they have acquired the properties.

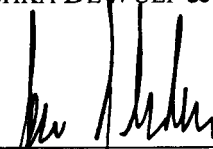
5 Thus, due to the significant and unique changes in circumstances in this case from when  
6 the CC&N was originally granted, both parties believe deletion of the Freeport and ASARCO  
7 parcels is consistent with the public interest. Sahuarita maintains its position as stated in its  
8 January 24, 2014 Reply regarding having no objection to deletion of these parcels from its  
9 certificated area. In the event that there is a future need for service, there is nothing to preclude  
10 Sahuarita from applying for a CC&N extension.

11 Regarding legal descriptions, the attached exhibit is the legal descriptions for each of the  
12 respective parcels in this case submitted with the original application dated December 14, 2007,  
13 labeled as Appendices "C", "G" and "K". Appendix "C" is now the legal description for the  
14 Freeport parcel and Appendix "K" is now the legal description for the ASARCO parcel. Appendix  
15 "G" remains the legal description for the Sahuarita Mission Partners parcel, which has  
16 communicated its desire for water service from Sahuarita.

17 RESPECTFULLY submitted this 24<sup>th</sup> day of June 2014.

18 ROSHKA DeWULF & PATTEN, PLC

19  
20 By

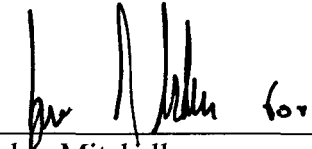
  
\_\_\_\_\_  
Jason D. Gellman  
Roshka, DeWulf & Patten, PLC  
One Arizona Center  
400 East Van Buren Street, Suite 800  
Phoenix, Arizona 85004

21  
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23  
24 Attorney for Sahuarita Water Company, L.L.C.  
25 and  
26  
27

ROSHKA DEWULF & PATTEN, PLC  
ONE ARIZONA CENTER  
400 EAST VAN BUREN STREET - SUITE 800  
PHOENIX, ARIZONA 85004  
TELEPHONE NO 602-256-6100  
FACSIMILE 602-256-6800

ARIZONA CORPORATION COMMISSION

By

  
Robyn Mitchell  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Attorney for Utilities Division Staff

Original and 13 copies of the foregoing  
filed this 24<sup>th</sup> day of June, 2014, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Copy of the foregoing hand-delivered/mailed  
this 24<sup>th</sup> day of June, 2014 to:

Belinda A. Martin  
Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
400 West Congress  
Tucson, AZ 85701-1347

Steve Olea  
Director, Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

Brian Bozzo  
Utilities Division  
Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

By



# **Exhibit 1**

**APPENDIX “C”**  
(Mission Peaks 4000, L.L.C. land legal description)

Sahuarita Water Company, L.L.C.  
Docket No. W-03718A-07-\_\_\_\_\_

July 27, 2007  
Psomas # 95016-10

**EXHIBIT A**

**LEGAL DESCRIPTION  
RANCHO SAHUARITA WATER COMPANY BOUNDARY**

Section 24, Township 17 South, Range 12 East, Gila and Salt River Meridian,  
Pima County, Arizona,

**EXCEPT** the north one-half of the north one-half said Section 24, and  
**FURTHER EXCEPTING** any portion lying within the right-of way of Mission -Twin  
Buttes Road.

Section 25, Township 17 South, Range 12 East, Gila and Salt River Meridian,  
Pima County, Arizona,

**EXCEPT** any portion lying southerly of the northerly right of way line of Mission -  
Twin Buttes Road.

Section 26, Township 17 South, Range 12 East, Gila and Salt River Meridian,  
Pima County, Arizona.

The east one-half of Section 27, Township 17 South, Range 12 East, Gila and  
Salt River Meridian, Pima County, Arizona.

A portion of northeast one-quarter of Section 34, Township 17 South, Range 12  
East, Gila and Salt River Meridian, described as Parcel 2 of Quiet Desert  
Ranches, recorded in Book 14 Records of Survey at Page 53, records of Pima  
County, Arizona.

Those portions of the west one-half of Section 35, Township 17 South, Range 12  
East, Gila and Salt River Meridian, described as Parcels 5, 12, 13 and 14 of  
Quiet Desert Ranches, recorded in Book 13 Records of Survey at Page 70, being  
corrected in Book 14 Records of Survey at Page 35, and again in Book 14  
Records of Survey at Page 53, records of Pima County, Arizona.

The East one-half of Section 35, Township 17 South, Range 12 East, Gila and  
Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying within the right of way of Mission -Twin Buttes Road  
and **FURTHER EXCEPTING** any portion lying within the right of way of McGee  
Ranch Road, also known as Twin Buttes - McGee Road.

July 27, 2007  
Psomas # 95016-10

The North one-half of Section 36, Township 17 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying southeasterly of the northwesterly right of way line of Mission -Twin Buttes Road.

The southwest one-quarter of the northwest one-quarter of Section 1, Township 18 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying northeasterly of the southwesterly right of way line of Mission -Twin Buttes Road.

Lots 1 and 2 and the south one-half of the northeast one-quarter of Section 2, Township 18 South, Range 12 East, Gila and Salt River Meridian Pima County, Arizona,

**EXCEPT** any portion lying within the right of way of Mission -Twin Buttes Road.

Section 16, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying northerly of the southerly right of way of Helmet Peak – Sahuarita Road.

Section 19, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying within the right of way of Mission -Twin Buttes Road.

Section 20, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying southerly of the northerly right of way line of Twin Buttes Road and **FURTHER EXCEPTING** the north 30 feet of the west one-half of said Section 20 and **FURTHER EXCEPTING** Lot 28 of Pimeria Alta Estates as recorded in Book 38 of maps and plats at page 9 therein, Records of Pima County, Arizona.

July 27, 2007  
Psomas # 95016-10

The west one-half of Section 21, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying easterly of the following described line;

**COMMENCING** at the northeast corner of said west one-half;

**THENCE** upon the north line of said west one-half, S 89°25'53" W, a distance of 959.80 feet to the **POINT OF BEGINNING**;

**THENCE** southerly upon the west line of that parcel as described in Docket 7437 at page 453 therein, Records of Pima County, Arizona, S 01°20'28" E to the northerly right of way line of Twin Buttes Road and the **POINT OF TERMINUS**.

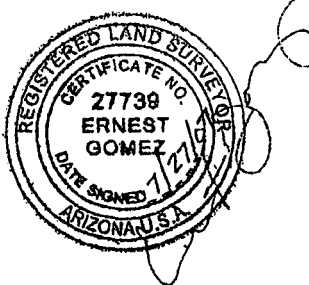
**FURTHER EXCEPTING** any portion lying southerly of the northerly right of way line of Twin Buttes Road.

The north one-half and the southwest one-quarter of Section 30, Township 17 South, Range 13 East, Gila and Salt River Meridian, Pima County, Arizona,

**EXCEPT** any portion lying southerly of the northerly right of way line of Twin Buttes Road and **FURTHER EXCEPTING** any portion lying easterly and southerly of the westerly and northerly right of way lines of Mission -Twin Buttes Road.

**See attached Exhibit B**

Prepared by:  
Psomas



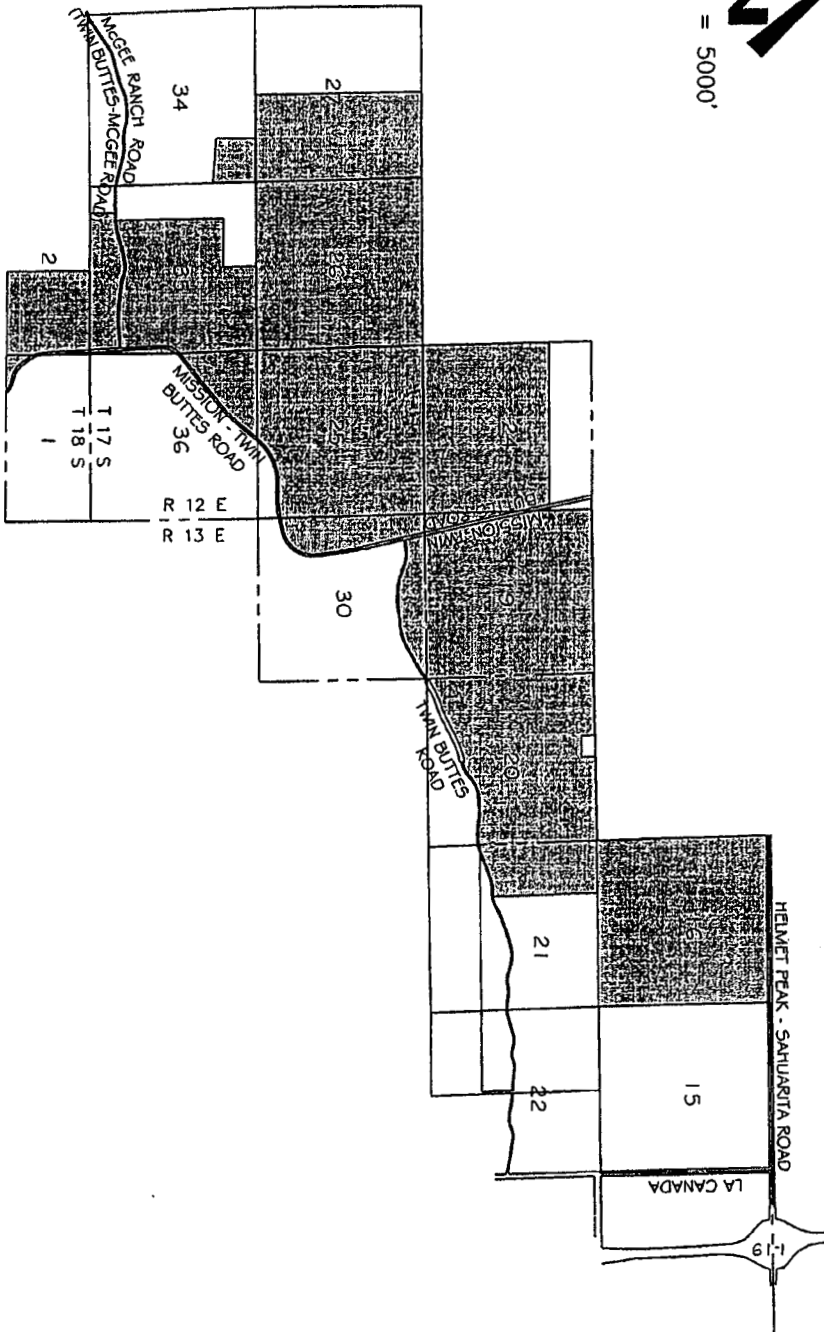
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Ernest Gomez AZ. R.L.S. 27739





SCALE: 1" = 5000'



**PSOMAS**

800 E. Wetmore Road, Suite 110  
Tucson, AZ 85719  
(520) 292-2300 (520) 292-1290 fax  
www.psomas.com

95016-10

**EXHIBIT B**

**RANCHO SAHUARITA WATER COMPANY BOUNDARY**

PORTIONS OF SECTIONS 24-27, 34 & 35, TOWNSHIP 17 SOUTH, RANGE 12 EAST  
AND PORTIONS OF SECTIONS 16, 19-21 & 30, TOWNSHIP 17 SOUTH, RANGE 13 EAST  
AND PORTIONS OF SECTIONS 1 & 2, TOWNSHIP 18 SOUTH, RANGE 12 EAST  
GILA & SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

DATE: July, 07 • DRAWN BY: mrf

E:\95016\10\Constraints\legal\water\_dist\_bndy.dwg egomez Fri, 27 Jul 2007, 10:52am

**APPENDIX "K"**  
(Arizona State Land Department legal description)

Sahuarita Water Company, L.L.C.  
Docket No. W-03718A-07-\_\_\_\_\_

May 24, 2006

**EXHIBIT "A"**

***Rancho Maria: Description of State Parcel in Section 16***

Section 16, Township 17 South, Range 13 East of the Gila and Salt River Meridian, Pima County, Arizona.

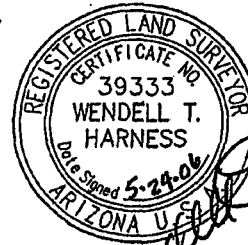
Excepting therefrom that portion of said Section 16 lying within the right-of-way of Helmet Peak Road, Road Proceeding No. 1019 as recorded in Book 8 of Road Maps at Page 97, records of Pima County, Arizona.

***See Exhibit 'B' attached hereto and made a part hereof.***

*Prepared for and on behalf of*

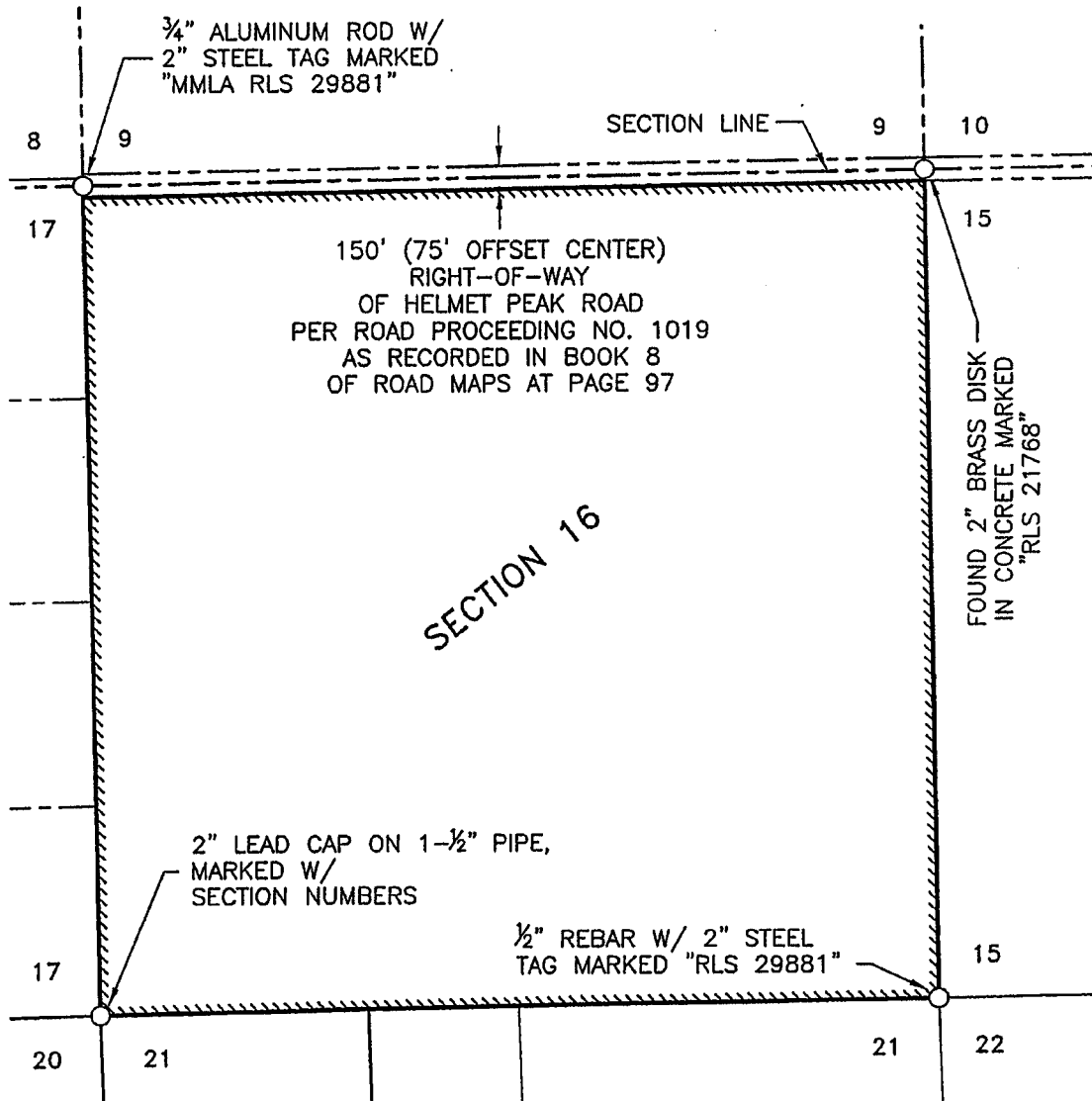
**M M L A  
P S O M A S**

Project No. 95016-10





SCALE: 1" = 1000'



**M M L A  
P S O M A S**

800 E. Veterans Blvd., Suite 110, Tucson, AZ 85719  
Tel (520) 292-2300 (800) 441-5875  
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95016-10

**EXHIBIT "B"**  
**STATE PARCEL**

IN SECTION 16, TOWNSHIP 17 SOUTH, RANGE 13 EAST,  
GILA & SALT RIVER MERIDIAN, PIMA COUNTY, ARIZONA

DATE: 05/23/06 • DRAWN BY: PMF



Page 2 of 2

**APPENDIX “G”**  
(Sahuarita Mission Partners, L.L.C. land legal  
description)

Sahuarita Water Company, L.L.C.  
Docket No. W-03718A-07-\_\_\_\_\_

ORDER NO. 61377 NGW

LEGAL DESCRIPTION  
EXHIBIT "A"

AN UNDIVIDED 53.3335% INTEREST IN AND TO THE FOLLOWING DESCRIBED PARCELS:

PARCEL 1:

That portion of Sections 12 and 13, Township 17 South, Range 12 East, Gila and Salt River Meridian, Pima County, Arizona, described as follows:

BEGINNING at the Southwest corner of said Section 12;

THENCE North 00 degrees 26 minutes 09 seconds West along the West line of said Section 12 a distance of 1,850.77 feet to the Westerly right-of-way line of Mission Road as shown on Book 2 of Records of Survey at Page 57, Records of Pima County, Arizona, said point being on the arc of a non-tangent curve concave to the Southwest: a radial line of said curve through said point having a bearing of North 42 degrees 32 minutes 51 seconds East;

THENCE Southerly along the arc of said curve, to the right, having a radius of 2814.79 feet and a central angle of 08 degrees 52 minutes 55 seconds for an arc distance of 436.35 feet to a point of tangency;

THENCE South 38 degrees 34 minutes 14 seconds East along said right-of-way line a distance of 630.70 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Southerly along the arc of said curve, to the left, having a radius of 1,195.92 feet and a central angle of 24 degrees 57 minutes 25 seconds for an arc distance of 520.94 feet to a point of tangency;

THENCE South 63 degrees 31 minutes 42 seconds East along said right-of-way line a distance of 162.19 feet to a point of curvature of a tangent curve concave to the Southwest;

THENCE Southerly along the arc of said curve, to the right, having a radius of 666.20 feet and a central angle of 60 degrees 46 minutes 44 seconds for an arc distance of 706.70 feet to a point of tangency;

THENCE South 02 degrees 44 minutes 58 seconds East along said right-of-way line a distance of 87.39 feet;

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Order No. 61377

THENCE South 01 degrees 24 minutes 50 seconds East along the re-established right-of-way line of Mission Road a distance of 119.84 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Southerly along the arc of said curve, to the left, having a radius of 1,959.86 feet and a central angle of 29 degrees 57 minutes 05 seconds for an arc distance of 1,024.55 feet to a point of tangency;

THENCE South 33 degrees 21 minutes 56 seconds East along said right-of-way line a distance of 284.19 feet to the South line of the North Half of the Northwest Quarter of said Section 13;

THENCE North 89 degrees 46 minutes 18 seconds West along the South line of said North Half a distance of 2,073.85 feet to the West line of said Northwest Quarter;

THENCE North 00 degrees 14 minutes 11 seconds West along said West line a distance of 1,319.95 feet to the POINT OF BEGINNING.

PARCEL II:

That portion of Section 13, Township 17 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, and that portion of the Waring Lode Mining Claim in Pima Mining District being shown on Mineral Survey No. 4187 on file in the Bureau of Land Management as granted by Patent recorded in Book 34 of Deeds of Mines at Page 220, Pima County Records, described as follows:

COMMENCING at the Southeast corner of said Section 13;

THENCE North 89 degrees 55 minutes 36 seconds West along the South line of said Section 13 a distance of 445.60 feet to the POINT OF BEGINNING, said point being on the Westerly right-of-way line of Mission Road as re-established from the existing paving of said road;

THENCE continue North 89 degrees 55 minutes 36 seconds West along said South line of Section 13 a distance of 2,651.19 feet to a line 440.00 feet West of and parallel with North-South midsection line of said Section 13;

THENCE North 00 degrees 16 minutes 37 seconds West along said parallel line a distance of 3,740.03 feet to said right-of-way line of Mission Road;

THENCE South 33 degrees 21 minutes 58 seconds East along said right-of-way line a distance of 1,975.94 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Southerly along the arc of said curve, to the left, having a radius of 1,482.40 feet and a central angle of 24 degrees 53 minutes 35 seconds for an arc distance of 644.07 feet to a point of tangency;

THENCE South 58 degrees 15 minutes 38 seconds East along said right-of-way line a distance of 434.74 feet to a point of curvature of a tangent curve concave to the Southwest;

THENCE Southerly along the arc of said curve, to the right, having a radius of 1147.53 feet and a central angle of 32 degrees 57 minutes 22 seconds for an arc distance of 660.05 feet to a point of tangency;

THENCE South 25 degrees 15 minutes 14 seconds East along said right-of-way line a distance of 430.76 feet to a point of curvature of a tangent curve concave to the Southwest;

THENCE Southerly along the arc of said curve, to the right, having a radius of 857.49 feet and a central angle of 13 degrees 52 minutes 12 seconds for an arc distance of 207.58 feet to a point of tangency;

THENCE South 11 degrees 26 minutes 02 seconds East along said right-of-way line a distance of 352.14 feet to the POINT OF BEGINNING.

EXCEPT from the above described properties and any and all rights to oil, gas, minerals and associated hydrocarbons as reserved in Docket 2220 at Page 266 and in Docket 7944 at Page 306.

PARCEL III:



That portion of Section 13, Township 17 South, Range 12 East, Gila and Salt River Base and Meridian, Pima County, Arizona, and that portion of the Waring Lode Mining Claim in Pima Mining District being shown on Mineral Survey No. 4187 on file in the Bureau of Land Management as granted by patent recorded in Book 34 of Deeds of Mines at Page 220, Pima County Records, described as follows:

BEGINNING at the Southeast corner of said Section 13:

THENCE North 89 degrees 55 minutes 36 seconds West along the South line of said Section 13 a distance of 343.54 feet to the Easterly right-of-way line of Mission Road as re-established from the existing paving of said road;

THENCE North 11 degrees 26 minutes 02 seconds West along said right-of-way line a distance of 312.50 feet to a point of curvature of a tangent curve concave to the West;

THENCE Northerly along the arc of said curve, to the left, having a radius of 957.49 feet and a central angle of 13 degrees 52 minutes 12 seconds for an arc distance of 231.79 feet to a point of tangency;

THENCE North 25 degrees 18 minutes 14 seconds West along said right-of-way line a distance of 430.76 feet to a point of curvature of a tangent curve concave to the Southwest;

THENCE Northerly along the arc of said curve, to the left, having a radius of 1,247.53 feet and a central angle of 32 degrees 57 minutes 22 seconds for an arc distance of 717.57 feet to the point of tangency;

THENCE North 58 degrees 15 minutes 38 seconds West along said right-of-way line a distance of 434.74 feet to a point of curvature of a tangent curve concave to the Northeast;

THENCE Northerly along the arc of said curve, to the right, having a radius of 1,382.40 feet and a central angle of 24 degrees 53 minutes 38 seconds for an arc distance of 600.62 feet to a point of tangency;

THENCE North 33 degrees 21 minutes 58 seconds West along said right-of-way line a distance of 2519.86 feet to a point of curvature of a tangent curve concave to the Northeast;

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Order No. 61377

THENCE Northerly along the arc of said curve, to the right, having a radius of 1,559.86 feet and a central angle of 29 degrees 57 minutes 08 seconds for an arc distance of 972.27 feet to a point of tangency;

THENCE North 03 degrees 24 minutes 50 seconds West along said right-of-way line a distance of 40.50 feet to a point 75.00 feet South of and parallel with the North line of said Section 13, said point being on the South right-of-way line of Helmet Peak Road;

THENCE South 89 degrees 43 minutes 16 seconds East along said parallel line a distance of 3,606.47 feet to the East line of the Northeast Quarter of said Section 13;

THENCE South 00 degrees 18 minutes 59 seconds East along said East line a distance of 2,555.56 feet to the Southeast corner of said Northeast Quarter;

THENCE South 00 degrees 18 minutes 15 seconds East along the East line of Government Lot 1 and 4 of said Section 13 a distance of 2,630.26 feet to the POINT OF BEGINNING;

EXCEPT any and all rights to oil, gas, minerals and associated hydrocarbons as reserved in Docket 2220 at Page 266 and in Docket 7944 at Page 115.